

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**ROBERT HOLLAND,
Fed. Reg. No. 71813019,**

Movant,

v.

UNITED STATES,

Respondent.

**MOTION TO VACATE
28 U.S.C. § 2255**

**CRIMINAL ACTION FILE
NO. 1:18-CR-307-MHC-JSA**

**CIVIL ACTION FILE
NO. 1:21-CV-764-MHC-WEJ**

ORDER

Movant Robert Holland has filed a Motion to Vacate, Set Aside, or Correct an allegedly illegal sentence in accordance with 28 U.S.C. § 2255 (“Motion to Vacate”) [Doc. 119]. This matter is before the Court on the Final Report and Recommendation of the Magistrate Judge [Doc. 130] (“R&R”) recommending that the Motion to Vacate be denied with prejudice and that a certificate of appealability not be issued. The Order for Service of the R&R [Doc. 120] provided notice that, in accordance with 28 U.S.C. § 636(b)(1), the parties were authorized to file objections within fourteen (14) days of the receipt of that Order. No objections to the R&R have been filed within the permitted time period.

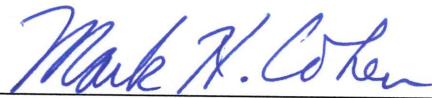
Absent objection, the district court judge “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge,” 28 U.S.C. § 636(b)(1). Based upon the absence of objections to the R&R, in accordance with 28 U.S.C. § 636(b)(1), the Court has reviewed the R&R for plain error. See United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983). The Court finds no plain error and that the R&R is supported by law.

The Court **APPROVES AND ADOPTS** the Final Report and Recommendation [Doc. 130] as the Opinion and Order of the Court. It is hereby **ORDERED** that Movant’s Motion to Vacate [Doc. 119] is **DENIED WITH PREJUDICE**.

It is further **ORDERED** that a certificate of appealability is **DENIED** because Movant has not met the requisite standard. Movant may not appeal the denial of his motion but may seek a certificate from the United States Court of Appeals for the Eleventh Circuit under Federal Rule of Appellate Procedure 22. Rule 11(a), Rules Governing § 2255 Proceedings for the United States District Courts.

The Clerk is **DIRECTED** to close the civil case file.

IT IS SO ORDERED this 2nd day of December, 2021.



MARK H. COHEN
United States District Judge